

FILE COPY

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December 14, 1972*

C. J. Hine **73**

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS, AND LAND SURVEYORS (LAND SURVEYORS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS A
LAND SURVEYOR OF HAROLD M. SCHNEIDER,
RESPONDENT (S-351)

COMPLAINT

Case No. 72-10-45

The State of Wisconsin, Department of Health and Social Services,
Division of Health, Bureau of Environmental Health, by its employee, Dale E.
Parker, complains against the respondent, Harold M. Schneider, and alleges:

1. That respondent Harold M. Schneider who resides at 2100 Clarence
Avenue, Racine, Wisconsin, 53405 is, and was at all times hereinafter mentioned,
duly registered by the Wisconsin Examining Board of Architects, Professional
Engineers, Designers and Land Surveyors, under the provisions of Wis. Stat.
s. 443.02, as a Land Surveyor, Certificate No. S-351;

2. That Dale E. Parker is employed as a Soil Scientist by the Bureau of
Environmental Health, Division of Health, Department of Health and Social
Services, an agency of the State of Wisconsin, and has been directed by said
Bureau to initiate proceedings under Wis. Stat. s. 443.02, to revoke the
certificate of registration as a Land Surveyor of Harold M. Schneider;

3. On information and belief, that respondent was employed to perform
and did perform during the month of June, 1972, soil boring and percolation
tests on three lots located on Kraut Road in the SE 1/4 of the NW 1/4, Section 5,
T 3N, R22E, Town of Mount Pleasant, Racine County, Wisconsin, owned by Ken
Brother, William Thompson and Peter Vlieger;

4. On information and belief, that said soil boring and percolation tests
were not conducted according to the procedures required by Wis. Adm. Code s.
H 62.20;

5. On information and belief, that respondent prepared and signed docu-
ments containing soil percolation and soil boring test data for the aforesaid
parcels of land;

6. That said documents were erroneous and deficient in the following respects:

- (a) The soil percolation and soil boring test data contained in the documents was not based upon tests performed in accordance with procedures set forth in Wis. Adm. Code s. H 62.20;
- (b) The soil percolation and soil boring test data contained in the documents did not accurately represent high ground water levels and percolation rates for the aforesaid parcels of land.

7. That the performance of soil boring and percolation tests contrary to the procedures required by Wis. Adm. Code H 62.20 and the preparation of documents containing erroneous and deficient test data constitutes misconduct and incompetency in the practice of Land Surveying on the part of respondent and is contrary to Wis. Adm. Code s. A-E 4.06.

WHEREFORE, complainant prays that the certificate of registration as a Land Surveyor of Harold M. Schneider be revoked.

Dated this 13th day of Dec., 1972.

STATE OF WISCONSIN DEPARTMENT OF HEALTH
AND SOCIAL SERVICES, DIVISION OF HEALTH,
BUREAU OF ENVIRONMENTAL HEALTH

By Dale E. Parker
Dale E. Parker, Ph.D, Soil Scientist

STATE OF WISCONSIN }
COUNTY OF DANE } SS.

Dale E. Parker, being first duly sworn, on oath deposes and says that he is an employee of the Bureau of Environmental Health, Division of Health of the Department of Health and Social Services of the State of Wisconsin, and is duly authorized to make this verification, that he has read the foregoing Complaint and knows the contents thereof, that the same is true to his own knowledge, except as to those matters alleged on information and belief, and as to those matters, he believes it to be true.

STATE OF WISCONSIN DEPARTMENT OF HEALTH
AND SOCIAL SERVICES, DIVISION OF HEALTH,
BUREAU OF ENVIRONMENTAL HEALTH

Subscribed and sworn to before me
this 13th day of Dec., 1972.

By Dale E. Parker
Dale E. Parker, Ph.D, Soil Scientist

William Dusso
Notary Public, Dane County, Wis.
My Commission is permanent.

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS (LAND SURVEYORS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS A
LAND SURVEYOR OF HAROLD M. SCHNEIDER,
RESPONDENT (S-351)

AFFIDAVIT OF MAILING

STATE OF WISCONSIN)
COUNTY OF DANE)

Janet C. Richie, being first duly sworn, on oath deposes and says
that she is in the employ of the Examining Board of Architects, Professional
Engineers, Designers and Land Surveyors, and that on the 2nd day of July
1973, she did deposit in the post office at Madison, Wisconsin, and left
there to be carried by certified mail, a sealed postpaid envelope, containing
a true and correct copy of the Order
addressed to Mr. A. Roy Anderson, 222 W. Washington Ave., Madison, WI

Janet C. Richie

Subscribed and sworn to before me
this 2nd day of July, 1973.

William Dusso

Notary Public, Dane County, WI
My Commission is permanent

WILLIAM DUSSO
NOTARY PUBLIC
STATE OF WISCONSIN

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO		POSTMARK OR DATE 7-2-73
A. Roy Anderson		
STREET AND NO. 222 W. Washington Ave.		
P.O., STATE AND ZIP CODE Madison, WI 53703		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN RECEIPT SERVICES	1 Shows to whom and date delivered	15¢
	With delivery to addressee only	65¢
	2 Shows to whom, date and where delivered	35¢
	With delivery to addressee only	85¢
DELIVER TO ADDRESSEE ONLY		50¢
SPECIAL DELIVERY (extra fee required)		

STATE OF WISCONSIN

BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS (LAND SURVEYORS' SECTION)

IN THE MATTER OF THE REVOCATION OF
THE CERTIFICATE OF REGISTRATION AS A
LAND SURVEYOR OF HAROLD M. SCHNEIDER,
RESPONDENT (S-351)

ORDER

This action having come before the Land Surveyors' Section of
the Examining Board of Architects, Professional Engineers, Designers
and Land Surveyors, and the Land Surveyors' Section having approved
a Stipulation, a copy of which is attached hereto, the Land Surveyors'
Section makes the following:

ORDER

NOW THEREFORE, IT IS ORDERED, that the respondent, Harold M.
Schneider, be and hereby is, officially reprimanded and prohibited
from performing any soil boring or soil percolation tests in any
manner whatsoever until after December 31, 1975, and then only pursuant
to such rules as may then be in force.

Dated this 2nd day of July, 1973.

EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS
AND LAND SURVEYORS
(LAND SURVEYORS' SECTION)

By


C. F. HURC, Secretary

STATE OF WISCONSIN

EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, DESIGNERS
AND LAND SURVEYORS (LAND SURVEYORS' SECTION)

IN THE MATTER OF THE CERTIFICATE	'	STIPULATION
OF REGISTRATION AS A LAND SURVEYOR	'	
OF HAROLD M. SCHNEIDER (S-351),	'	72-10-45
Respondent.	'	

Harold M. Schneider, respondent, by his attorneys,
LaFollette, Sinykin, Anderson & Abrahamson, and the complainant,
Department of Health and Social Services, by its attorney,
William Dusso, hereby agree and stipulate to the following:

1. That the respondent Harold M. Schneider, is registered by the Land Surveyors' Section of the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors under the provisions of Wis. Stats. §443.02, as a Land Surveyor, Certificate No. S-351.
2. That in June, 1972, the respondent performed certain soil boring and soil percolation tests on lands located in the Town of Mount Pleasant, Racine County, Wisconsin and it is alleged by the Department of Health and Social Services that said soil tests were not performed according to the procedures prescribed in Wis. Adm. Code §H 62.20.
3. That the results of certain percolation tests performed by the Department of Health and Social Services on the same lands located in the Town of Mount Pleasant, Racine County, Wisconsin, vary from the results obtained by the respondent, and for the purpose of this proceeding the respondent agrees that the results of said Department's tests shall be accepted as accurate.

4. That the respondent hereby waives all jurisdictional objections to the jurisdiction of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors to hear the complaint of the Department of Health and Social Services and to enforce the rules of said Department.

5. That the respondent agrees to accept a formal reprimand from the Land Surveyors' Section of the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors respecting such soil percolation tests and agrees not to perform any soil boring or soil percolation tests in any manner whatsoever until after December 31, 1975, and then only pursuant to such rules as may then be in force.

6. That the respondent elects not to contest these proceedings in any manner; agrees to accept the formal reprimand of the Land Surveyors' Section of the Examining Board of Architects, Professional Engineers, Designers, and Land Surveyors; agrees that for the purpose of this proceeding any deficiency whatsoever in the performance of any soil tests may be denominated as misconduct or gross negligence or incompetence in the practice of land surveying; waives any and all rights whatsoever to object to this proceeding; waives the right to present any defense whatsoever to the complaint of the Department of Health and Social Services; and generally acquiesces in the power and jurisdiction of the aforesaid Examining Board to act in accordance with this Stipulation.

William Dusso
William Dusso

Harold M. Schneider
Harold M. Schneider

LaFollette Sinykin Anderson & Abrahamson
LaFollette, Sinykin, Anderson
& Abrahamson

Approved by:

EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS AND LAND SURVEYORS

[Signature]